The American Journal of
COMPARATIVE LAW

A Quarterly

VOLUME 33
1985

AMERICAN ASSOCIATION FOR THE
COMPARATIVE STUDY OF LAW, INC.

Editor-in-Chief: JOHN G. FLEMING
Executive Secretary: ALLAN A. SAMSON
Editorial Office: Boalt Hall, University of California
Berkeley 94720
(415) 642-1329

Hessel E. Yntema
Founding Editor-in-Chief (1952-66)

Board of Editors:	Sponsor Members:
John N. Hazard	American Foreign Law Association
Boris Kozolchyk	University of Arizona College of Law
Dale B. Furnish	Arizona State University College of Law
Mary Ann Glendon	Boston College Law School
W. Cole Durham, Jr.	Brigham Young University J. Reuben Clark Law School
Stefan A. Riesenfeld	University of California School of Law (Berkeley)
Friedrich K. Juenger	University of California School of Law (Davis)
William Alford	University of California School of Law (Los Angeles)
Rudolf B. Schlesinger	University of California, Hastings College of the Law
Chin Kim	California Western School of Law
John H. Langbein	University of Chicago Law School
Hiroshi Motomura	University of Colorado School of Law
George A. Bermann	Parker School of Foreign and Comparative Law of Columbia University
John J. Barcelo III	Cornell Law School
Ved P. Nanda	University of Denver College of Law
M. Cherif Bassiouni	De Paul University College of Law
Herbert Bernstein	Duke University School of Law
Walter O. Weyrauch	University of Florida, Spessard L. Holland Law Center
Barry Hawk	Fordham University School of Law
George A. Zaphirou	George Mason School of Law
John M. Steadman	Georgetown University Law Center
Stephen B. Young	Hamline University School of Law
Arthur T. von Mehren	Harvard Law School
Deborah Post	University of Houston Law Center
David Gerber	IIT Chicago-Kent College of Law
Peter Hay	University of Illinois School of Law
Bryant Garth	Indiana University School of Law
Stephen L. Sass	University of Iowa School of Law
Alain Levasseur	Louisiana State University Law School
Thomas G. Cannon	Marquette University Law School
Christopher Blakesley	McGeorge School of Law, University of the Pacific
Keith S. Rosenn	University of Miami School of Law
Whitmore Gray	University of Michigan Law School
Fred L. Morrison	University of Minnesota School of Law
William B. Fisch	University of Missouri-Columbia School of Law
Lung-chu Chen	New York Law School
Michael A. Schwind	New York University School of Law
Virginia A. Leary	State University of New York at Buffalo School of Law
Kenneth W. Abbott	Northwestern University School of Law
Tang Thi Thanh Trai Le	Notre Dame Law School
P. John Kozyris	Ohio State University College of Law
Alan Watson	University of Pennsylvania Law School
George H. Hauck	University of Puget Sound School of Law
Herbert Lazerow	University of San Diego School of Law
Beverly May Carl	Southern Methodist University School of Law
J. H. Merryman	Stanford University School of Law
Peter E. Herzog	Syracuse University College of Law
Hans W. Baade	University of Texas School of Law
Christopher Osakwe	Tulane University School of Law
David Clark	University of Tulsa College of Law
Igor I. Kavass	Vanderbilt University School of Law
John F. Murphy	Villanova University Law School
Dan F. Henderson	University of Washington School of Law
Edward M. Wise	Wayne State University Law School
James A.R. Nafziger	Willamette University College of Law
Mirjan Damaska	Yale Law School

Edward D. Re, Chairman, ex officio

Consulting Editors: Alfred F. Conard, Kurt H. Nadelmann
Departmental Editor: Charles Szladits

© 1985 by The American Association for the Comparative Study of Law, Inc.

INDEX OF AUTHORS

		Page
FELIX LOPEZ ANTON	Creditors' Rights Under Spanish Law	259
IAN F.G. BAXTER	The United Kingdom and Tax Havens: A Comparative Comment	707
RICHARD J. CUMMINS	Constitutional Protection of Civil Liberties in France	721
MANFRED A. DAUSES	The System of the Free Movement of Goods in the European Community	209
RAJEEV DHAVAN	Borrowed Ideas: On the Impact of American Scholarship on Indian Law	505
M. FORDE	Liability in Damages for Strikes: A French Counter-Revolution	447
FRANCES FOSTER-SIMONS	The Development of Inheritance Law in the Soviet Union and the People's Republic of China	33
RAINER FRANK	The Status of Cohabitation in the Legal Systems of West Germany and Other West European Countries	185
BARTHA MARIA KNOPPERS	Modern Birth Technology and Human Rights	1
DON LESTER JAFFE	Stipulated Damage Provisions in France and the United States	637
KY BEATRICE JAFFE	Stipulated Damage Provisions in France and the United States	637
JOHN MAKDISI	Legal Logic and Equity in Islamic Law	63
JONATHAN MILLER	Products Liability in Argentina	611
WOLFRAM MÜLLER-FREIENFELS	The New Family and the New Property	733
ETHAN A. NADELMANN	Negotiations in Criminal Law Assistance Treaties	467
ECKARD REHBINDER	Legal Integration in Federal Systems: European Community Environmental Law	371
RICHARD STEWART	Legal Integration in Federal Systems: European Community Environmental Law	371
HARVEY TEFF	Drug Approval in England and the United States	567
FRANÇOIS VERGNE	The "Battle of the Forms" Under the 1980 United Nations Convention on Contracts for the International Sale of Goods	233
ALAN WATSON	A House of Lords' Judgment, and Other Tales of the Absurd	673
FARHAT J. ZIADEH	Land Law and Economic Development in Arab Countries	93

INDEX OF TITLES

		Page
The "Battle of the Forms" Under the 1980 United Nations Convention on Contracts for the International Sale of Goods	*François Vergne*	233
Borrowed Ideas: On the Impact of American Scholarship on Indian Law	*Rajeev Dhavan*	505
Choice of Law Resolved by Rules or Presumptions with an Escape Clause	*Kurt H. Nadelmann*	297
Constitutional Protection of Civil Liberties in France	*Richard J. Cummins*	721
Creditors' Rights Under Spanish Law	*Felix Lopez Anton*	259
The Development of Inheritance Law in the Soviet Union and the People's Republic of China	*Frances Foster-Simons*	33
Drug Approval in England and the United States	*Harvey Teff*	567
A House of Lords' Judgment, and Other Tales of the Absurd	*Alan Watson*	673
Land Law and Economic Development in Arab Countries	*Farhat J. Ziadeh*	93
Legal Integration in Federal Systems: European Community Environmental Law	*Eckard Rehbinder & Richard Stewart*	371
Legal Logic and Equity in Islamic Law	*John Makdisi*	63
Liability in Damages for Strikes: A French Counter-Revolution	*M. Forde*	447
Modern Birth Technology and Human Rights	*Bartha Maria Knoppers*	1
Negotiations in Criminal Law Assistance Treaties	*Ethan A. Nadelmann*	467
The New Family and the New Property	*Wolfram Müller-Freienfels*	733
The New Yugoslav Private International Law Act	*Petar Šarčević*	283
Products Liability in Argentina	*Jonathan Miller*	611
The Status of Cohabitation in the Legal Systems of West Germany and Other West European Countries	*Rainer Frank*	185
Stipulated Damage Provisions in France and the United States	*Don Lester Jaffe Ky Beatrice Jaffe*	637
The System of the Free Movement of Goods in the European Community	*Manfred A. Dauses*	209
The United Kingdom and Tax Havens: A Comparative Comment	*Ian F.G. Baxter*	707

INDEX OF BOOKS REVIEWED OR NOTICED

Page

R. ALEXY: Theorie der Juristischen Argumentation (*Edgar Bodenheimer*) 541
H. BATIFFOL & P. LAGARDE: Droit International Privé, Volumes I & II (*Arthur T. von Mehren*) 121
J-L. BAUDOUIN: Les Obligations (*George A. Zaphiriou*) 536
J. BELL: Policy Arguments in Judicial Decisions (*Patrick Atiyah*) 342
H. BERMAN: Law and Revolution: The Formation of the Western Legal Tradition (*Kenneth Pennington*) 546
A. BLOMEYER: International Encyclopedia of Comparative Law, Vol. XVI, Ch. 4: Types of Relief Available (Judicial Remedies) (*Bryant Garth*) 530
W. BUTLER: The Mongolian Legal System: Contemporary Legislation and Documentation (*John N. Hazard*) 366
W. BUTLER: Soviet Law Basic Documents of the Soviet Legal System (*John N. Hazard*) 125
W. BUTLER & A. NATHANSON: Mongolian-English-Russian Dictionary of Legal Terms and Concepts (*John N. Hazard*) 366
U. DROBNIG (ed.): Handbuch des Internationalen Zivilverfahrensrechts (*Peter Herzog*) 337
W. EBKE: Wirtschaftsprüfer und Dritthaftung (*Hans Stoll*) 324
F. FELDBRUGGE & W. SIMONS (eds.): Perspectives on Soviet Law for the 1980's (*Chtristopher Osakwe*) 354
A. FLESSNER: Sanierung und Reorganisation (*Stefan A. Riesenfeld*) 328
G. GINSBURGS: The Citizenship Law of the USSR (*Christopher Osakwe*) 774
M. GLENDON: The New Family and the New Property (*Wolfram Müller-Freienfels*) 733
G. GORLA: Il Diritto Comparato in Italia e nel "Mondo Occidentale" e una Introduzione al "Dialogo Civil Law — Common Law" (*Luigi Moccia*) 533
A. GRZESKOWIAK: Kara Smierci w Polskim Prawie Karnym (*Stanislaw Frankowski*) 753
H. HAHN, W. BRAUN, D. CARREAU, E. HIRSCHBERG & N. HORN: Die Wertsicherung der Young-Anleihe: Das Urteil des Schiedsgerichtshofs für das Abkommen über Deutsche Auslandsschulden vom 16 Mai 1980 (*Stefan A. Riesenfeld*) 537
T. HOYA: East-West Law, Comecon Law, American-Soviet Law (*George Ginsburgs*) 340
A LAYISH: Divorce and Succession in the Druze Family (*Ann Elizabeth Mayer*) 111
P. NEUHAUS, Z. FALK, N. ANDERSON, D. DERRETT, T. IYER & R. VERDIER: International Encyclopedia of Comparative Law, Vol. IV, Ch. 11: The Family in Religious and Customary Laws (*John T. Noonan*) 527
V. PESCHKA: Die Theorie der Rechtsnormen (*Edgar Bodenheimer*) 115
M. PUNCH: Control in the Police Organization (*Richard J. Terrill*) 107
J. RIVERO: Le Conseil Constitutionnel et Les Libertés (*Richard J. Cummins*) 721
ST. J. ROBILLIARD: Religion and the Law (*John T. Noonan*) 765
S. RUBIN & G. HUFBAUER (eds.): Emerging Standards of International Trade and Investment, Multinational Codes and Corporate Conduct (*Wolfgang Fikentscher*) 762
E. SCOLES & P. HAY: Conflict of Laws (*Willis L.M. Reese*) 332

D. TALLON: Encyclopedia of Comparative Law, Vol. VIII, Ch. 2: Civil Law and Commercial Law (*Gamal L. Badr*) 329
R. TOKARCZYK: Prawa Wierne Naturze (*W.J. Wagner*) 543
E. VITTA: Corso di Diretto Internazionale Privato e Processuale (*A.E. von Overbeck & T. Rossi*) 549
A. WATSON: Sources of Law, Legal Change, and Ambiguity (*Edgar Bodenheimer*) 768
E. WEISS: The Legal Status of the Surviving Spouse in the Law of Succession, Historical Evolution and Trends of Progress (*Vera Bolgár*) 756
M. WILL: Quellen Erhöhter Gefahr (*John G. Fleming*) 127
E. YEMIN (ed.): Workforce Reduction in Undertakings: Policies and Measures for the Protection of Redundant Workers in Seven Industrialized Market Economy Countries (*Barry I. Mordsley*) 347
J. ZIEGEL & W. GRAHAM: New Dimensions in International Trade Law: A Canadian Perspective (*David J. Gerber*) 540